



Judge Lois Haight

# Judge Creates Foundation For Foster Children

Contra Costa County foster children have a unique advocate on the local bench—a woman who, to put a new spin on an old saying, puts her money where her heart is.

Last year Judge Lois Haight donated her judicial salary to establish the Lois Haight Foundation for Foster Children. Administered by her husband and other volunteers, the foundation helps emancipated foster children pursue the educational paths of their choice.

“Most children aren’t forced to leave their homes when they turn 18,” explains Judge Haight,

who for the past nine years has presided over Contra Costa County’s juvenile court. “Most can count on families for some measure of support for education or until they settle into jobs. But this isn’t true for many young adults raised in foster homes. Often they are forced to find their way into the world abruptly and alone. They are dead-ended and terrified.”

The judge recalls the case of a foster child who, when she turned 18, struggled to adopt her disabled sibling. “That young woman was working two jobs and wanted to go to school to improve

her life. I was so impressed with her courage and desire to succeed that I decided to help foster children whenever I could.”

## GRANT AWARDS

On June 20, seven former foster children received scholarship checks from the foundation at a special dinner sponsored by the county’s Independent Living Center. Last year, six others received similar grants. Applicants were evaluated on the basis of character, ability, motivation, and potential. One of last year’s grant recipients was accepted to Princeton University.

“The most satisfying part of this is being able to show these youngsters that we believe they are worthy of our trust and support,” adds Judge Haight.

## IMPROVING THE SYSTEM

During her tenure on the bench, Judge Haight has found many other ways to improve the juvenile justice system in her county. She successfully lobbied to have the court assign its only new judicial position in more than a decade to the juvenile division. She was instrumental in the construction of a new juvenile hall

(which increased bed capacity by 100 percent), creating a separate treatment center for girls and a special residential program for emotionally disturbed children, and in securing 25 new beds and a drug treatment center for her county’s Boys’ Ranch. She also helped establish a victim-offender reconciliation program for juvenile delinquents and a juvenile drug court, and she is currently assisting in the development of a teen court.

Judge Haight is especially proud of her new dependency mediation program. She says it is cost-effective because the clients’ attorneys do not have to make an appearance, and it is efficient because the hearings are facilitated by mediators who are trained juvenile attorneys. In addition, she pushed to have probation officers placed on school campuses, which she says has significantly reduced her delinquency calendar.

This nine-year veteran of the bench—who also has served as an Assistant Attorney General of the United States, a deputy district attorney, a juvenile hall counselor, and a probation officer—believes judges have a responsibility beyond mere adjudication. “We are responsible for people’s lives. We’re here to protect, to rehabilitate, to find justice, and to make people whole. We have to do that any way we can.” ■

## The Face of Foster Care in California

From 1999 to 2000:

- ▶ 117,937 children lived in foster care.
- ▶ An estimated 39,156 left the state’s foster care system; another 43,587 children entered the system.
- ▶ Of those who left the foster care system, most returned to their original families or found adoptive homes; 8 percent were emancipated when they turned 18.

Source: Child Welfare Research Institute (1999–2000)

# Conference to Focus on Juvenile Delinquency

This summer, the California court system is having a family reunion.

The 2002 Juvenile Delinquency and the Courts Conference, scheduled for August 15–16 at the Radisson Hotel in Berkeley, will bring together the local juvenile justice teams that first formed at the 2001 conference.

## BUILDING ON 2001 CONFERENCE

The 2001 Juvenile Delinquency and the Courts Conference convened juvenile bench officers, public defenders, district attorneys, probation officers, educators, mental health professionals, and service providers from 54 of the 58 California counties. They created local juvenile justice teams, and those teams devised action plans for improving their communities’ systems for handling juvenile cases.

As a result of the 2001 conference, counties created drug and mental health courts, increased drug treatment programs, put mentoring programs in place, and increased the numbers of group home graduates. In addition, team members became aware of the neglected needs of female juveniles, which led to increases in staff hiring and training.

## CONFERENCE GOALS

This year’s conference will provide each county team with the opportunity to meet as a group, attend educational workshops, and refine its action plan. The conference will focus on sharing both the successes of juvenile justice programs and the perspectives of youths who have been involved with the juvenile justice system.

The theme of the conference, “Building a Better Future,” is reflected in the educational workshops offered, which cover:

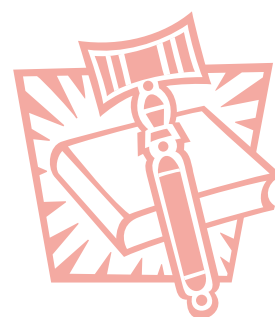
- Addiction and treatment—how to address substance abuse;
- Reintegration of youth into the community;
- Reducing crowding and disproportionate minority confinement in juvenile detention facilities;
- Blended funding to promote innovative programming;
- Working together—successful strategies for the collaboration of probation, education, and community-based organizations;
- Mentor programs for juvenile offenders;
- Truancy and tutoring programs;
- Indian justice issues;

- Juvenile sex offenders;
- The Foster Care Bill of Rights; and
- Legal and practical implications of Proposition 21.

Plenary speakers will include Ronald Earle, District Attorney, Travis County, Austin, Texas; Dr. Peter Leone, Professor, University of Maryland, and Project Director of the National Center on Education, Disability

and Juvenile Justice; and Anne Seymour, a nationally recognized victims’ advocate.

● For more information, contact Dave Bressler, Center for Families, Children & the Courts, 415-865-7703; e-mail: dave.bressler@jud.ca.gov. ■



## New Book on Juvenile Law

A new booklet released on April 30, *Laws for Youth and Families—A Guide for Students, Parents, Teachers and Community Members*, promises to make the juvenile justice system easier to understand.

The booklet was produced by the Center for Youth Citizenship (CYC) in coordination with the Superior Court of Sacramento County and other agencies involved with juvenile justice. Judges from the Sacramento court assisted with the writing and editing of the booklet’s sections that describe how the court system works.

The booklet covers topics such as why we have laws, juvenile rights, what constitutes a crime, school rules, rules of the road, and legal terms and definitions.

The CYC and the Superior Court of Sacramento County plan to use the booklet in conjunction with several youth leadership and public education projects they are coordinating.

● For more information, contact Gerry Root, Public Information Officer, Superior Court of Sacramento County, 916-874-6880; e-mail: rootg@courts.co.sacramento.ca.us.

# Courts Use Law Day To Reach Their Communities

Ernest Hanes was wearing a tuxedo and on his way to his high school's senior prom when he had to make a stop. He did not stop at a flower shop, an ATM machine, or a gas station. Instead, he dropped in at his local county courthouse.

Before going to the prom, Ernest wanted to accept his gold medal award for winning the court's 10th–12th-grade essay contest. The award was one of many handed out by the Superior Court of Napa County, which had commemorated Law Day by sponsoring a poster and essay contest for local students.

This year's Law Day theme was "Celebrate Your Freedom—Assuring Equal Access to All." Several courts, like that in Napa County, addressed this theme by advancing the public's understanding of the law and the legal system.

Following are descriptions of a few other California courts' approaches to Law Day 2002.

**SAN DIEGO COUNTY**

Nearly 2,000 students participated in educational programs and career fairs sponsored by the Superior Court of San Diego County during its Law Week activities.

With support from the bench, on May 3 San Diego's North County court shut down approximately half of its 28 courtrooms to allow 1,000 students ranging from fourth grade to junior college to participate in Law Week activities. In the morning the court gave the students a courtroom orientation, held a question-and-answer session, and conducted mock trials and sample jury deliberations. In the afternoon, representatives of a variety of organizations set up booths with information on career options in the legal system.

Judge Richard G. Cline and staff member Ginny O'Brien designed the program, which was supported by the local bar association, Inn of Court, San Diego Justice Foundation, Court Reporters Association, and other members of the legal community. "The program's success was due in large part to the assistance and support of the greater legal community," says Judge Cline. "We received very positive comments from judges, staff, teachers, parents, and students. We are planning to do a similar event again next year."

At the county's main courthouse in San Diego, students from three high schools and

eight fourth-grade classes attended educational programs during Law Week. In addition to courthouse activities, Judge Leo Valentine, Jr., Judge John L. Davidson, and court staff members traveled to the Madison High School Legal Career Day to talk about career opportunities in the court system.

San Diego's East and South County courthouses also opened their doors to students during Law Week in an effort to educate youth about the legal system.

## RIVERSIDE COUNTY

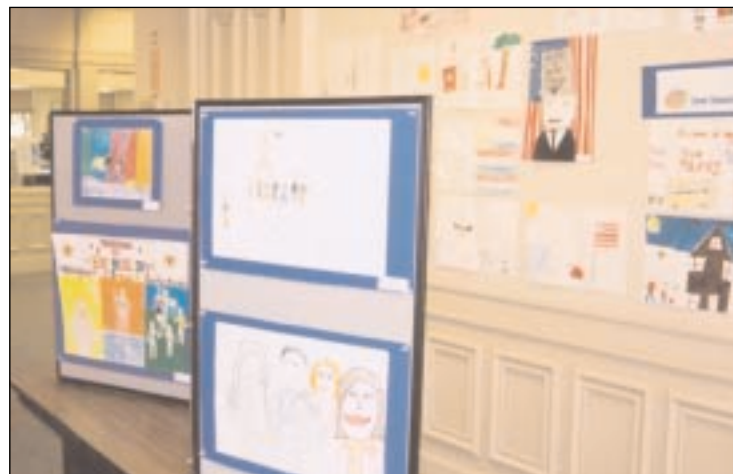
Superior Court of Riverside County Executive Officer José Octavio Guillén and members of the court's Community Outreach Committee participated in the Good Citizenship Award program. One student from each high school in the county received an award, which included \$100 in cash. The project was sponsored by the Riverside County Bar Association and supported by the court, local legislators, and the district attorney's office.

The court set up information booths at each of its 14 locations and at a local mall. The booths offered materials on Law Day, services for self-represented litigants, and the history of the American justice system.

**SANTA BARBARA COUNTY**

In partnership with the county bar association, the Northern Santa Barbara County court coordinated a "law fair" at a local shopping mall. Handing out information and making demonstrations at the fair were representatives of more than 30 law- and justice-related agencies, including the court, bar, district attorney's and public defender's offices, probation department, sheriff's office, and California Highway Patrol.

To promote the fair, local judges and lawyers spoke on English- and Spanish-language



More than 200 students from grades K–6 entered the Superior Court of Napa County's poster contest celebrating Law Day. The students were asked to depict a freedom we have as American citizens. *Photo: Courtesy of the Superior Court of Napa County*

television and radio. One radio station broadcast live interviews with the participants every afternoon. The local government access channel taped the fair and is preparing a documentary that will run on its station and will be used in a public service announcement to promote next year's fair.

The court also sponsored a poster and essay contest for grade school students. The first-place winners received certificates, medals, and a lunch with Judge Rogelio R. Flores and the chief of police. The poster entries are on display on the walls of the courthouse.

**SACRAMENTO COUNTY**

The Sacramento County court sponsored a peer mediation showcase involving students from elementary, middle, and high schools in the Sacramento area. Each of the participating schools sent a team of peer mediators who are involved in the Center for Youth Citizenship Reaching Resolution Program, a county program that trains students in conflict resolution.

During the Law Day event, students demonstrated conflict mediation and communication skills through role playing about problems that often occur on their campuses. Community leaders served as evaluators and provided feedback to the students. ■

## Law Day Becomes Law

President Dwight D. Eisenhower established Law Day by presidential proclamation in 1951. But it wasn't until 1961 that Congress declared May 1 to be "a special day of celebration by American people in appreciation of their liberties" and an occasion for "rededication to the ideals of equality and justice under laws."



Superior Court of San Diego County Judge Richard G. Cline gives middle school students a tour of a courtroom during Law Week.  
*Photo: Courtesy of the Superior Court of San Diego County*

## Nominations Open for Kleps Awards

The Judicial Council is accepting nominations for the 2002 Ralph N. Kleps Awards for Improvement in the Administration of the Courts. These prestigious annual awards were created in 1991 in honor of Ralph N. Kleps, the first administrative director of the California courts. They honor the innovative contributions of individual courts to the administration of justice.

The awards are given in five categories:

- |                   |   |
|-------------------|---|
| <b>Category 1</b> | Counties with 2 to 6 authorized judicial positions (AJPs) |
| <b>Category 2</b> | Counties with 7 to 19 AJPs                                |
| <b>Category 3</b> | Counties with 20 to 49 AJPs                               |
| <b>Category 4</b> | Counties with 50 or more AJPs                             |
| <b>Category 5</b> | Appellate courts  |

Programs nominated for Kleps awards are judged on the following criteria:

- ❶ The program improves the administration of the courts and reflects at least one of the goals of the Judicial Council's Strategic Plan (access, fairness, and diversity; independence and accountability; modernization; quality of justice and service to the public; education; and technology).
- ❷ The program is innovative.
- ❸ The program is transferable to other courts.
- ❹ The program has been in operation for at least one year.

New in 2002 is the Kleps Awards Committee. Committee members will review nominations and submit recommendations to the Judicial Council, which will determine the award recipients at its December 13 meeting. Committee members, technical advisors, and staff plan to visit courts that have nominated their programs for Kleps awards. The visits will help them make

informed recommendations to the council.

The next awards will be presented at the California Judicial Administration Conference—scheduled for February 24–28, 2003—where award recipients will be invited to demonstrate and/or display their projects.

Nomination forms were sent out in June and are due by August 9.

● For more information, contact Beth Shirk, 415-865-7870; e-mail: [beth.shirk@jud.ca.gov](mailto:beth.shirk@jud.ca.gov).

**SEND NOMINATIONS TO:**

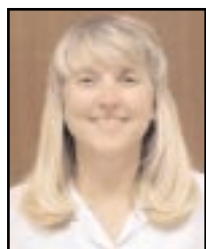
Administrative Office of the Courts  
Attn: Beth Shirk, Grants Program Analyst  
455 Golden Gate Avenue  
San Francisco, California 94102-3660





## Court Budgets: What Do We Do Now?

*A Conversation With Christine Patton*



Christine Patton  
Regional  
Administrative  
Director,  
Bay Area/  
Northern Coastal  
Region

*Christine Patton began her career in the courts in 1986 as a research attorney for the Superior Court of Santa Cruz County. In 1988 the court appointed her its administrator despite her lack of prior experience in court administration. When she received the news of her appointment, she promptly called her counterpart in the Monterey County court, Alan Carlson, and asked, "What does a court administrator do?"*

*After her 16 years with the Santa Cruz court, people now call her for advice. And she will be hearing from other courts more frequently as the Administrative Office of the Courts' newest regional director. She started in her new position leading the Bay Area/Northern Coastal Region on June 17.*

*Courts in the region likely will seek Ms. Patton's budget advice, since the state's financial troubles undoubtedly will have an impact on the judicial system. Fortunately for them, she has gained valuable experience in dealing with her own court's budget and in her work on the Court Executives Advisory Committee and the Trial Court Budget Commission. She has taught classes on budget issues for the Center for Judicial Education and Research, such as in its Continuing Judicial Studies Program.*

*Because Ms. Patton's advisory spot on the Judicial Council was designated for a court executive officer, she had to give up her council membership to take her post as AOC regional director.*

*Court News spoke with her about the State Budget and its potential effects on the courts.*

**"From a purely budgetary perspective, there isn't much difference between the challenges that face a large court and a small court. Budget challenges are budget challenges. Every court is working with a finite sum of money, and each must apply it to its expenses."**

**How can local courts begin to prepare themselves for the potentially painful but necessary budget reductions that seem sure to affect all of California's courts?**

First of all, this is nothing new and is not taking anybody by surprise. We had very severe cut-backs when the county funded us in the early 1990s. So courts have been through this before.

We have strategies to deal with reductions in the budget. The first is what we call "salary savings." It works like a hiring freeze, so that when employees leave we don't hire a new person to take

over that position. This way, we can save the money that would have gone to that person's salary.

I've talked with some court executives who are already beginning to freeze positions as a way to prepare for the anticipated budget reductions. Unfortunately, this strategy can leave the remaining employees with an increased workload, but it does avoid the more painful prospect of layoffs.

Second, most courts have a budget reserve. In 1997 Assembly Bill 233 transferred responsibility for funding the trial courts from the county to the state. This legislation also allows courts to carry over funding not used in the previous year to the next year's budget. This transfer wasn't allowed under county funding. Many courts are look-

ing to the reserve as a way to tide themselves over, but it is certainly not a long-term solution.

There are other basic management philosophies for dealing with a tight budget. We take a look at our supplies and see what we could cut back. We also look at our court programs and try to figure out what is non-essential and could be put on hiatus for a year or two.

**If you have to scale back programs, how do you decide what is "essential" for court operations?**

"Essential" ultimately means mandated by the Constitution and the law. The court has to re-

main open and ready for business. For example, you've got to have court reporters, clerks, security, and interpreters.

Nonessential items may include certain court programs like our Family Law Self-Help Center—although we feel that many of these programs are essential.

One way to save money is to put a hold on projects such as purging court records. The statute states we can start purging old documents after 10 years, but we can delay that if necessary. Records might begin to stack up, but we can reallocate personnel to activities more vital to court operations.

**How can court leaders effectively communicate changes to court staff?**

Every court executive officer has his or her own way of keeping the lines of communication open. In Santa Cruz we have supervisors meet on a regular basis to keep them updated on the budget. All of those supervisors then have meetings with their staffs. If the situation gets really critical, the executive office can have additional face-to-face meetings with every division and unit within the court.

Communicating with court staff means keeping any employee unions up to date on the situation. It also includes informing judges so they know what is going on and what their role is. For instance, judges need

to realize that, due to staff shortages, they might not receive the minutes of their proceedings as quickly as they have in the past.

Most employees understand the financial situation of the court. And they know that having more work to do is better than being laid off. But one thing we can do, if necessary, to alleviate some of their extra workload is to reduce our services to the public. At one point in 1991 or 1992, we had to close the clerk's office to the public at 3 p.m. The staff was still working until 5 p.m., but they had those two hours to catch up on processing all of the paperwork filed with the court.

Obviously, we would rather not have to cut back on any of our services to the public. But sometimes it is necessary so you can help your staff keep up with their work and maintain the quality of services the court is offering.

**What issues do small and mid-sized courts face that may not be the same in larger courts?**

From a purely budgetary perspective, there isn't much difference between the challenges that face a large court and a small court. Budget challenges are budget challenges. Every court is working with a finite

sum of money, and each must apply it to its expenses. For the most part, the relative amount of the pot doesn't change the challenges we face or the strategies we employ.

However, the size of the court does affect the level and degree of communication between the executive office and court staff. A larger court may not be able to provide the executive officer with the same level of familiarity with all of the staff that a smaller court can afford. In our court, I could take more of a personal interest in all 130 of our employees, all of whom I knew by name. It fosters a congenial atmosphere, but it also makes it tough when we have to tell them things they don't want to hear.

**As the new AOC regional director for the Bay Area/Northern Coastal Region, do you have a vision for how your office will assist local courts on budget and financial concerns?**

I hope to be a resource for the courts on budget issues and how to make efficient use of the fund-

ing available in their counties. In that respect, I'll be able to point them to a range of services that the AOC can provide, including a Finance Division that can analyze court budgets. For example, we can look and see if a court could make use of reserve funding or is entitled to adjustments from the county.

The AOC's Human Resources Division is available to help with labor negotiations or other personnel problems that may arise due to budget concerns. One way to cut down on expenses is by sharing resources across counties. If two or three small counties decide they want to save money by sharing a human resources director, I can assist in that process.

By the end of summer, I plan to have physically gone to every court in my region and met all the judges and staffs. We will have regional meetings so presiding judges and court executives can sit down at one venue to talk about issues affecting their courts.

I see myself as a facilitator who will help local courts get the services and resources they need. I want them to set the tone on what they need from me and how I can help them most effectively. ■

# Point and Counterpoint: The Three-Strikes Debate Continues

First there were the California decisions like *People v. Dotson* (1997) 16 Cal.4th 547, *People v. Cartwright* (1995) 39 Cal.App.4th 1123, and *People v. Cline* (1998) 60 Cal.App.4th 1327, all of which held that the three-strikes law did not violate the Eighth Amendment prohibition against cruel and unusual punishment. Then there was *Riggs v. California* (1999) 525 U.S. 1114, wherein three justices of the U.S. Supreme Court expressed concern over the ability of California law to turn a petty theft into a 25-years-to-life sentence. Although none of the California decisions had misdemeanor conduct as the underlying offense, appellate courts continued to uphold the three-strikes law against Eighth Amendment challenges: *People v. Cuevas* (2001) 89 Cal. App.4th 689 and *People v. Byrd* (2001) 89 Cal.App.4th 1373 found the law was not unconstitutionally applied.<sup>1</sup>

In late 2001 and early 2002, the federal Ninth Circuit issued *Andrade v. California Attorney General* (2001) 270 F.3d 743 and *Brown v. Mayle* (2002) 283 F.3d 1019, each striking down a third-strike sentence imposed for petty theft. The courts found the punishment cruel and unusual because the current crime was a nonviolent misdemeanor; the defendants' prior theft offenses were "double counted"—first to make the current crime a felony, then to impose a strike sentence; and the sentences were greatly disproportionate to the punishments specified for other, more serious and violent crimes.

Now, as if locked in a "point and counterpoint" debate with the federal courts, a California court has decided *People v. Mantanez* (2002) \_\_\_\_ Cal.App.4th \_\_\_\_ [02 D.A.R. 5120]. Mantanez was convicted of possessing heroin and receiving stolen property, as well as having four prior strikes. Although his full criminal history was not addressed in detail, the defendant's 17-year record apparently reflected 10 felony convictions, including sev-

eral residential burglaries, numerous narcotics convictions, four separate prison terms, and repeated probation and parole violations. Rejecting a request to dismiss the strikes, the trial court imposed two concurrent 25-years-to-life terms for the felonies and three 1-year terms for the prison prior enhancements. Defendant challenged the

felony convictions. As *Mantanez* observed:

Because we must defer to the Legislature and the people of California (enacting the Three Strikes law through an initiative), in adoption of a penological theory and in determination of the length of sentences, we cannot say when applying objective fac-



sentence on Eighth Amendment grounds, based primarily on the rationale of *Andrade* and *Brown*.

The California Supreme Court prescribes a three-pronged analysis in determining whether a particular sentence would be cruel and unusual, taking into account (1) the nature of the crime and the defendant's record, with particular consideration of the dangerousness of the defendant; (2) comparison of the punishment with the punishment of other, more serious crimes in the same jurisdiction; and (3) comparison of the punishment with punishments for the same offense in other jurisdictions. (*In re Lynch* (1972) 8 Cal.3d 410, 425–27.) After consideration of all relevant factors, punishment may be enhanced if the defendant is a recidivist and the actual punishment imposed is not disproportionate to the crime. (*Solem v. Helm* (1983) 463 U.S. 277, 284–88.)

After tracing the U.S. Supreme Court's analysis of the constitutional issues in *Solem*, *Rummel v. Estelle* (1980) 445 U.S. 263 and *Harmelin v. Michigan* (1991) 501 U.S. 957, *Mantanez* found that *Andrade* and *Brown* wrongfully concluded that it is cruel and unusual punishment to impose a potential life term for a nonviolent felony committed by a defendant with a history of serious or violent

tors [that] the term of 25 years to life imposed on Mantanez is cruel and unusual punishment. The vice of the *Andrade/Brown* rationale, that California's punishment is the most or one of the most severe in the country [and] supports an initial inference of 'gross disproportionality,' is clear: for every offense, there necessarily is one or more of the states which punishes said offense most harshly. Under the *Andrade/Brown* rationale, federalism only extends to those within the extremes, and the extremes are automatically suspect. (*People v. Mantanez, supra*, \_\_\_\_ Cal.App.3d at p. \_\_\_\_.)

*Mantanez* also criticizes *Andrade* and *Brown* for placing primary emphasis on the current offense without due consideration of the defendant's criminal history and the danger to society presented by a felony recidivist:

[W]henver a putatively disproportionately harsh sentence is specified under the Three Strikes law, it is subject to judicial modification at sentencing if the sentencing court deems it appropriate. (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.) This safety valve suffices for constitutional purposes;

no greater and more informed wisdom concerning an offender's culpability is, as a matter of course, available to a reviewing court. According deference to the *Harmelin* principles, California's recidivist legislation is not violative of the Eighth Amendment to the United States Constitution. (*Id.* at p. \_\_\_\_.)

Since *Andrade* has been granted review, the constitutionality of a 25-years-to-life sentence for a misdemeanor-level crime is now before the U.S. Supreme Court. Until the issue finally is resolved, California courts may follow the guidance of the Ninth Circuit decisions or adopt the more restrictive reasoning of *Mantanez*—at least until the next counterpoint is made. ■



Judge J. Richard Couzens  
Superior Court of Placer County

*Judge Couzens is a former member of the Judicial Council and past chair of its Criminal Law Advisory Committee.*

<sup>1</sup> The longest three-strikes sentence as reflected in a published opinion is 435 years to life, imposed for 17 counts of violating Penal Code section 286(g) (sodomy on persons incapable of giving consent). (*People v. Mobley* (1999) 72 Cal.App.4th 761.) The Department of Corrections reports that the longest sentence being served by any California inmate is 1,113 years 8 months to life for 97 sexual assault counts and 3 counts of child endangerment. An Oklahoma City jury, however, appears to have exceeded anything done by a judge in California. The sentence imposed on a chronic sex offender after raping his niece six times: 30,000 years in prison.

## Nominations Due for Distinguished Service Awards

October 15 is the deadline for receipt of nominations for the Judicial Council's Distinguished Service Awards. These awards, the council's highest individual honors, are presented to judges, court executives, and court leaders who demonstrate extraordinary leadership and make significant contributions to the administration of justice.

There are three categories of Distinguished Service Awards:

- ▶ Jurist of the Year, honoring members of the judiciary who demonstrate extraordinary dedication to the highest principles of the administration of justice;
- ▶ Judicial Administration Award, honoring significant contributions to and leadership in the field of judicial administration; and
- ▶ Bernard E. Witkin Amicus Curiae Award, honoring individuals other than members of the judiciary for their outstanding contributions to the California court system.

The council will present the awards at the annual California Judicial Administration Conference, February 24–28, 2003 (location to be announced).

● For nomination information, contact Claudia Fernandes, Education Division, 415-865-7799; e-mail: [claudia.fernandes@jud.ca.gov](mailto:claudia.fernandes@jud.ca.gov).

## Nominations for National Court Awards

Nominations are open for the National Center for State Courts' (NCSC) annual Distinguished Service Awards. The NCSC board of directors presents the awards to those who have made substantial contributions to the field of court administration and to the work of NCSC.

The Paul C. Reardon Award is named for the late Massachusetts Supreme Court Justice Paul C. Reardon, who was the first president of the NCSC board of directors. This award honors individuals who have worked unselfishly to further NCSC's mission to lead and serve state courts for the improvement of judicial administration.

The Warren E. Burger Award honors the late Chief Justice of the United States, who was instrumental in founding NCSC and its Institute

for Court Management. The Burger Award is presented to individuals who have made significant contributions to the field of court administration through management and administration, education and training, or research and/or consulting, and who have contributed to NCSC's mission.

Each year, these two Distinguished Service Awards are presented to individuals in each of the following categories:

- A current or former state appellate judge
- A current or former state trial judge
- A state-level court administrator or employee (not a judge)
- A trial-level court administrator or employee (not a judge)

- An attorney or another individual not employed by the courts

Nominations should include a brief description of the nominee's background, a statement detailing why the nominee should be selected, and the award for which he or she is being nominated. Current NCSC board members, current NCSC staff members, and previous Distinguished Service Award winners are not eligible.

Nominations are due by September 13 and should be addressed to Shelley L. Fischer, National Center for State Courts, P.O. Box 8798, Williamsburg, Virginia 23187.

● For more information, visit the National Center for State Courts' Web site at [www.ncsconline.org](http://www.ncsconline.org).



# Saving the State Justice Institute



José F. Dimas

JOSÉ F. DIMAS  
OFFICE OF GOVERNMENT  
RELATIONS  
NATIONAL CENTER FOR  
STATE COURTS

Last fall, Congress seriously undermined efforts to strengthen and improve state court systems.

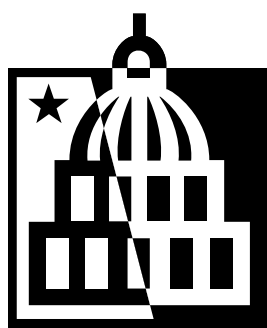
Congress's appropriations bill for fiscal year 2002 funded the State Justice Institute (SJI) at \$3 million and called for its demise by September 30, 2003. SJI is the only federal institution dedicated to improving state court systems. It does this primarily by funding court projects nationwide and by awarding educational scholarships to court personnel. A national effort to reverse this decision and restore full funding for SJI for fiscal year 2003 is under way in the court community, led by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA).

Although SJI has faced difficulties in funding before, this is the first time its elimination has been, absent any action, almost certain. The \$3 million allocated for SJI is just enough to cover the costs of phasing out the institution as of September 30, 2003. [See "Council Urges Congress to Fund SJI" on page 14 of the May-June 2001 *Court News*.]

## BACKGROUND

Federal law established SJI in 1984. It is not a federal agency but rather a nonprofit corporation governed by a board of directors whose members are appointed by the President and confirmed by the U.S. Senate. By law, this board must include six state court judges, a state court administrator, and four public members. The judicial and state court administrator members must be selected from a list submitted to the President by the Conference of Chief Justices.

SJI is the only vehicle for distributing federal funds exclusively to improve the quality of the nation's state courts. Since becoming operational in 1987, SJI has supported more than 1,000 projects through awards totaling more than \$125 million. Courts in every state have received at least one SJI grant. Other grantees include national court support organizations, such as the National Center for State Courts; national court education organizations, including the National Judicial College and the American Academy of Judicial Education; national and state court membership organizations (such as the American Judges Association and the National Association for Court Management); universities; bar associations; other nonprofit groups; and individuals who are awarded judicial scholarships.



## Watch on Washington

### WIDESPREAD SUPPORT

The proposed elimination of SJI has not sat well with the state court community. Other groups that have gone on record as opposing the elimination of SJI, in addition to CCJ and COSCA, are the American Judges Association, the Conference of Court Public Information Officers, the Leadership Institute in Judicial Education, the National Association of State Judicial Educators, the National College of Probate Judges, the Association of Trial Lawyers, the Civil Justice Reform Group, the National Association for Court Management, the National Association of Women Judges, the National Conference of Appellate Court Clerks, and the American Bar Association.

Already, meetings on maintaining SJI have occurred with important members of the House and Senate Appropriations Committees. In March, South Carolina Chief Justice Jean Toal and Robert Miller (retired Chief Justice of South Dakota and chair of SJI's board) met with Senator Ernest Hollings (D-S.C.), who chairs the Commerce, Justice, State, and Judiciary Subcommittee of the Senate Appropriations Committee, and made the case for keeping SJI. The Commerce, Justice, State, and Judiciary Subcommittee is Congress's primary funding body for SJI. That meeting was followed in April by a meeting between Chief Justice Harry Carrico of Virginia and Representative Frank Wolf (R-Va.), who chairs the Commerce, Justice, State, and Judiciary Subcommittee of the House Appropriations Committee. Other members of the House and Senate Appropriations Committees also have been primary targets of the "Save SJI" message. In addition to meeting with state court representatives, these members have been receiving faxes, letters, e-mails, and phone calls from the state court community.

In our constant communications with members of Congress and their staffs, no one has contended that SJI has been doing a poor job or wasting taxpayer dollars. In fact, most objections center on the need for fiscal tightening throughout the federal government. SJI, perhaps due to its small size, seems to be a target for elimination.

As stated in the CCJ/COSCA resolution, the \$13.5 million requested for SJI for fiscal year 2003 is "a necessary first step" for this organization. The state court community intends to fight for that amount and gradually, in the ensuing years, call for additions to the amount originally authorized by Congress. Only then can SJI truly fulfill its national mission and scope.

### PROJECTS FUNDED

Through its grants process SJI has primarily addressed pressing national issues. For example, it provided seed money for improving the way state courts across the country deal with family violence cases. To address this growing problem, SJI convened the first-ever National Conference on Family Violence and the Courts. All 50 states sent teams made up of judges, criminal justice officials, social service/domestic violence workers, and interested others to develop strategies for responding to family violence. After the conference, SJI awarded grants to help 17 states put those plans into action. In those 17 states there was an unprecedented degree of collaboration between agencies and organizations that usually know of each other but rarely communicate. This collaboration benefited abused women and children in those states. The results of that teamwork are available to anyone who requests them from SJI or visits the SJI Web site at [www.statejustice.org/](http://www.statejustice.org/).

One of the benefits of allocating funding through SJI is that only they have the authority to work with all aspects of the state court systems. Since family violence cases come to the state criminal, civil, juvenile and family courts, SJI can respond in a comprehensive manner. On the other hand, any federal agency attempting to respond would have to do so in a piecemeal fashion. For example, the Department of Health and Human Services could fund only projects related to child support cases.

SJI has also addressed the problems connected with illegal drugs by:

- Coordinating a national conference on the subject and a round of grants to implement many state plans developed at the conference;

- Supporting the first national evaluation of drug courts; and

- Hosting regular meetings of federal funding agencies concerned with the criminal use of drugs, such as the Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Center for Substance Abuse Prevention and Treatment. The goals of these meetings were to coordinate efforts, avoid duplication, and maximize the impact of federal dollars.

Other projects funded by SJI that have had a national impact include examinations of the utility of court-based computer information kiosks and the delivery of conferences via CD-ROM.

### KPMG REPORT

On March 31, 2002, the consulting firm KPMG conducted a survey of SJI projects related to drug abuse, family violence, and violence against women. The survey was designed to assess respondents' awareness of SJI projects and resources, the involvement of the respondents in SJI-supported actions, and actions taken and results gained by respondents as a result of their involvement.

"It is clear from the results of the survey that SJI's impact has been felt in state court systems across the country," the KPMG report concluded. "This impact is not limited to the specific grant recipients, but instead the many grants that have had an impact on other court systems nationwide," the report also stated.

### CONCLUSION

It is undeniable that SJI serves critical national and federal purposes. At a time when the public demands an efficient and accountable use of taxpayer funds from every level of government, it is counterproductive for Congress to dismantle the only federally funded organization dedicated to helping the state courts cope more efficiently with their increased workload. In addition, what happens in state courts affects not only citizens' concepts of justice and confidence in the judicial system but also the operation of federal courts. Congress must keep alive the only institution charged with improving the system through which most Americans experience justice—our state courts.

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For a copy of the full KPMG report as well as a summary of the grants that have gone to California, visit the SJI Web site at [www.statejustice.org/](http://www.statejustice.org/). ■